

Chiharu Sekino, SBN #306589  
Email: csekino@sfmslaw.com  
SHEPHERD, FINKELMAN, MILLER & SHAH, LLP  
44 Montgomery Street, Suite 650  
San Francisco, California 94104  
Telephone: (415) 429-5272

Beth E. Terrell, SBN #178181  
Email: bterrell@terrellmarshall.com  
Jennifer Rust Murray, *Admitted Pro Hac Vice*  
Email: jmurray@terrellmarshall.com  
TERRELL MARSHALL LAW GROUP PLLC  
936 N. 34th Street, Suite 300  
Seattle, Washington 98103  
Telephone: (206) 816-6603

[Additional Counsel Appear on Signature Page]

*Attorneys for Plaintiffs and the Proposed Class*

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ABANTE ROOTER AND PLUMBING,  
INC., GEORGE ROSS MANESIOTIS,  
MARK HANKINS, and PHILIP J.  
CHARVAT, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

ALARM.COM INCORPORATED, and  
ALARM.COM HOLDINGS, INC.,

Defendants.

NO. 4:15-cv-06314-YGR

**DECLARATION OF BETH E.  
TERRELL IN SUPPORT OF  
PLAINTIFFS' MOTION TO AMEND  
CLASS DEFINITIONS**

JURY TRIAL DEMAND

Complaint Filed: December 30, 2015

Honorable Yvonne Gonzalez Rogers

DATE: September 26, 2017  
TIME: 2:00 p.m.  
LOCATION: Oakland Courthouse  
Courtroom 1 - 4th Floor

1 I, Beth E. Terrell, declare as follows:

2 1. I am a member of the law firm Terrell Marshall Law Group PLLC (“TMLG”),  
3 counsel of record for Plaintiffs in this case. I am a member in good standing of the bars of the  
4 states of California and Washington. I respectfully submit this declaration in support of  
5 Plaintiffs’ Motion to Amend Class Definitions. Except as otherwise noted, I have personal  
6 knowledge of the facts set forth in this declaration. If called to testify as to the contents of this  
7 declaration, I could and would competently do so.

8 2. In connection with Plaintiffs’ class certification motion, Plaintiffs’ expert, Anya  
9 Verkhovskaya, and TMLG’s paralegal, Rachel Hoover, analyzed calling data produced by  
10 Alarm.com’s vendor, Alliance Security, and one of Alliance’s subvendors, Nationwide Security.  
11 Ms. Verkhovskaya and Ms. Hoover’s analysis was limited to the calling data they had obtained  
12 from Alliance and Nationwide during discovery. Plaintiffs believed that additional data exists  
13 that would identify additional class members.

14 3. After the Court certified this case as a class action, Plaintiffs aggressively pursued  
15 additional calling data from Alliance. Alliance produced data from its “leads” database, which  
16 includes names and contact information for consumers Alliance targeted in its sales efforts.  
17 However, Alliance failed to produce any additional calling data. Plaintiffs conferred with  
18 Alliance multiple times and were on the verge of filing a motion to compel when Alliance  
19 declared bankruptcy. Alliance then took the position that it did not need to produce anything  
20 further due to the automatic stay.

21 4. I reached out to Alarm.com’s counsel by telephone and asked if Alarm.com  
22 would agree to narrower class definitions tied to the calling records Plaintiffs had obtained  
23 during class certification discovery. I sent them the list of numbers that comprised the class list.  
24 I conferred again in person with Alarm.com’s counsel in their Chicago office on August 15,  
25 2017. Alarm.com declined to stipulate to the amended class definitions.

26 5. Attached hereto as Exhibit 1 is a revised proposed postcard notice reflecting the  
27 proposed modified class definitions.

7. Attached hereto as Exhibit 3 is a true and correct copy of draft “banner ad” notices that KCC proposes to use in its banner ad campaign.

8. Attached hereto as Exhibit 4 is a true and correct copy of the Second Order Modifying Class Definition (Dkt. No. 271) entered in the case entitled *Krakauer v. Dish Network, L.L.C.*, 1:14-cv-333 (M.D. N.C.) on December 29, 2016.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED in Seattle, Washington, this 16th day of August, 2017.

EXECUTED in Seattle, Washington, this 16th day of August, 2017.

/s/ Beth E. Terrell, SBN #178181  
Beth E. Terrell, SBN #178181

**CERTIFICATE OF SERVICE**

I, Beth E. Terrell, hereby certify that on August 16, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Kasey C. Townsend, SBN #152992  
Email: ktownsend@murchisonlaw.com  
Susan J. Welde, SBN #205401  
Email: swelde@murchisonlaw.com  
MURCHISON & CUMMING, LLP  
275 Battery Street, Suite 850  
San Francisco, California 94111  
Telephone: (415) 524-4300

Martin W. Jaszczuk, *Admitted Pro Hac Vice*  
Email: mjaszczuk@jaszczuk.com  
Margaret M. Schuchardt, *Admitted Pro Hac Vice*  
Email: mschuchardt@jaszczuk.com  
Keith L. Gibson, *Admitted Pro Hac Vice*  
Email: kgibson@jaszczuk.com  
JASZCZUK P.C.  
311 South Wacker Drive, Suite 1775  
Chicago, Illinois 60606  
Telephone: (312) 442-0311

Ross A. Buntrock, *Admitted Pro Hac Vice*  
Email: ross@olspllc.com  
OBSIDIAN LEGAL PLLC  
1821 Vernon Street NW  
Washington, DC 20009  
Telephone: (202) 643-9055

*Attorneys for Defendants Alarm.com Incorporated and Alarm.com Holdings, Inc.*

1 DATED this 16th day of August, 2017.

2 TERRELL MARSHALL LAW GROUP PLLC

3 By: /s/ Beth E. Terrell, SBN #178181

4 Beth E. Terrell, SBN #178181

5 Email: bterrell@terrellmarshall.com

6 936 North 34th Street, Suite 300

7 Seattle, Washington 98103-8869

8 Telephone: (206) 816-6603

9 Facsimile: (206) 350-3528

10 *Attorneys for Plaintiffs*